

4 August 2023

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BIOLOGICAL DIVERSITY AMENDMENT BILL 2021

SOURCE: [TH](#)

GS 3 ENVIRONMENT

The Act aims to conserve biodiversity, promote its sustainable use and equitable sharing of benefits that arise therein. The Bill amends the Biological Diversity Act, 2002 to simplify compliance requirements for domestic companies.

HIGHLIGHTS OF THE BILL

- The Bill amends the Biological Diversity Act, 2002 to simplify compliance requirements for domestic companies.
- Users of codified traditional knowledge and AYUSH practitioners will be exempted from sharing benefits with local communities.
- The Bill removes research and bio-survey activities from the purview of benefit sharing requirements.
- Benefit sharing will be based on terms agreed between the user and the local management committee represented by the National Authority.
- The Bill decriminalises all offences under the Act.

KEY ISSUES AND ANALYSIS

- **Traditional knowledge:** The Bill does not provide a specific definition for the term 'codified traditional knowledge.' Similarly, the Convention on Biological Diversity, along with its Nagoya and Cartagena protocols, also lacks a clear definition for this term.
- **Local bodies:** The Bill eliminates the direct involvement of local bodies and benefit claimants in deciding mutually agreed terms. Now the responsibility of establishing terms for benefit

sharing during the approval process will be vested in the National Biodiversity Authority (NBA).

- **Prior informed consent:** There is no provision for a mechanism for obtaining prior informed
- consent of the local and indigenous communities. This may be in contrast with the framework under Nagoya Protocol.
- **Penalty adjudication:** The Bill alters the authority responsible for adjudication, replacing a Judge with a government official. Under new provisions, penalties will be determined through an inquiry process rather than through a judgment following arguments presented in an open court.
- **Bioutilisation :** The Bill seeks to remove the reference to "Bio-utilisation" from the definition, and elsewhere in the Act. However, Section 3 of the Act as amended by the Bill still contains the term "Bio-utilisation".
- **Biopiracy :** The exemptions granted to AYUSH Practitioners, relieving them from the requirement of prior intimation to State biodiversity boards, could potentially facilitate "bio-piracy."

The Biodiversity Act, 2002:

The Biodiversity Act, 2002 brought three-tier decentralised system, involving the **National Biodiversity Authority (NBA)**, **State Biodiversity Boards (SBB)** and the **Biodiversity Management Committees (BMC)** at the local level

1. **National Biodiversity Authority (NBA):** NBA is a statutory autonomous body under the Ministry of Environment, Forests and Climate Change, GOI established in 2003 to implement the provisions under the Biological Diversity Act, 2002, after India signed Convention on Biological Diversity (CBD) in 1992.
HQ: CHENNAI , TAMIL NADU
2. **State Biodiversity boards: They** are statutory bodies established under Section 22 of the Biological Diversity Act, 2002. There is one SBB for each state in India.SBBs are composed of a chairperson, vice-chairperson, and other members, who are appointed by the state government
3. **Biodiversity Management Committee (BMC):** Local-level body constituted under the Biological Diversity Act, 2002The BMC is composed of a chairperson and not more than six members, who are nominated by the local body. The chairperson is elected from among the members of the BMC.

DIFFEREMCE BETWEEN BIOLOGICAL DIVERSITY BILL 2002 AND BIOLOGICAL DIVERSITY AMENDMENT BILL 2021

FEATURES	BIOLOGICAL DIVERSITY BILL 2002	BIOLOGICAL DIVERSITY AMENDMENT BILL 2021

Purpose	To provide for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources.	To simplify compliance requirements for domestic companies, patent application, and transfer of research results, decriminalise offences, and encourage foreign investment in the sector.
Regulation of access to biological resources	Requires prior intimation to the State Biodiversity Board for accessing biological resources.	Exempts users of codified traditional knowledge and AYUSH practitioners from the requirement of giving prior intimation to State Biodiversity Boards for accessing biological resources for certain purposes.
Benefit sharing	Requires users of biological resources to share benefits with local communities.	Allows benefit sharing to be based on terms agreed between the user and the local management committee represented by the National Authority
Offences	Penalizes offences under the Act with imprisonment of up to 5 years and/or a fine of up to INR 1 lakh.	Decriminalizes all offences under the Act.

WAY FORWARD

JPC COMMITTEE RECOMMENDATIONS:

1. Biodiversity management committees and indigenous communities should be empowered under the proposed law by explicitly defining benefit claimers as conservers of biological resources.
2. Promotion of indigenous resources should be promoted.
3. Reassess and redraft the contentious provisions in the bill, particularly those related to decriminalizing violations, exempting domestic companies from seeking permission, and codified traditional knowledge.
4. Adequately compensate indigenous communities and traditional knowledge holders for their role in conserving and preserving biodiversity

MENTAL HEALTH ISSUES IN SECURITY FORCES

GS 2 HEALTH AND GS 1 SOCIAL ISSUES

SOURCE: [TOI](#)

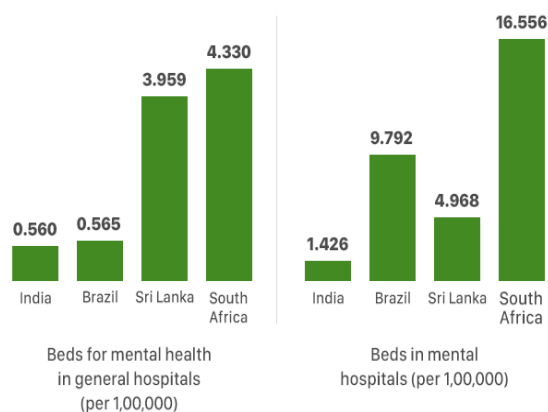
WHY IN NEWS : A personnel from the Railway Protection Force (RPF), who was on duty aboard the Jaipur-Mumbai Superfast Express, committed a shooting that resulted in the deaths of passengers

The WHO defines Mental Health as, "Mental health is a state of mental well-being that enables people to cope with the stresses of life, realise their abilities, learn well and work well and contribute to their community."

The WHO calls mental health a basic human right. And it is also included in Sustainable development goals.

- It is estimated that 6-7 % of the population suffers from mental disorders in India. (WHO Report)
- The suicide rate in the Indian Army is about 8.5 suicides per 100000 people

MENTAL HEALTH INFRASTRUCTURE



Source: World Health Organization, 2019

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ISSUES IN DEALING WITH MENTAL HEALTH

1. **Stigma and Discrimination:** Mental health issues are often stigmatised in Indian society, leading to discrimination and social exclusion. (Report by live love laugh foundation)
2. **Shortage of Mental Health Professionals:** There is a significant shortage of mental health professionals, including psychiatrists, psychologists, and counsellors, particularly in rural areas.
3. **Media role:** Often the media links mental disorders with violence which are associated with crimes and evil activities which portrays a completely different image.
4. **Socioeconomic Factors:** Limited financial resources and social disparities can hinder access to mental healthcare services and exacerbate mental health challenges.
5. **Demographic Determinants:** Gender inequality, racial inequality, regional and ethnic discrimination etc. exacerbate Mental health problems.

6. **Environmental Determinants:** Natural calamities, industrial mishaps, armed conflicts, forced migration, and ecological disasters resulting from climate change increases mental health problems.
7. **Extensive use of smartphones:** It affects the sleep pattern of a person which indirectly leads to mental stress.

MEASURES TO BE TAKEN

- **Destigmatize mental health:** Promote mental health awareness and education campaigns to
- reduce stigma, increase understanding, and encourage help-seeking behaviour.
- **Mental Health Services:** Improve access to mental health services by reducing waiting times, increasing the number of mental health professionals, and implementing telemedicines.
- **Suicide Prevention Programs:** Implement suicide prevention programs that focus on early identification of suicidal behavior, crisis helplines, counseling services, and community support networks.
- **Research and Data Collection:** Conduct research studies to generate data on mental health prevalence, risk factors, and treatment outcomes.
- **Scientific Temperament** - Indians have a tendency to believe in concepts such as Belief in supernatural powers which reduces the tendency to take patients to medical hospitals.
- **Infrastructure** - Medical hospitals lack proper infrastructure for treatment of patients. Moreover the ill treatment of patients reduces the tendency to take patients to medical hospitals

PRELIMS SPECIFIC

MANODARPAN SCHEME :

The Manodarpan Scheme is implemented by the **Ministry of Health and Family Welfare through the National Institute of Mental Health**

and Neuro Sciences (NIMHANS). The scheme provides financial assistance to state governments and non-governmental organizations (NGOs) to implement mental health awareness programs.

MENTAL HEALTHCARE ACT 2017 :

The Mental Healthcare Act 2017 (MHCA) is a landmark legislation in India that aims to provide mental healthcare services for persons with mental illness and to protect, promote and fulfil their rights during the delivery of mental healthcare and services.



VARIOUS GOVERNMENT INTERVENTIONS

- National suicide prevention strategy.
- Kiran helpline
- World mental health day
- National tele mental health program



GS 2 POLITY

SOURCE: [IE](#)

WHY IN NEWS: The authority to erase speeches is excessively wide and frequently utilized to silence valid government criticism in parliament

Rules 261 and 380 of Rajya Sabha and Lok Sabha, respectively, outline the provision for the removal of content deemed "defamatory or indecent or unparliamentarily or undignified."

MECHANISM OF PARLIAMENTARY ACCOUNTABILITY :

PRELIMS SPECIFIC :

FEATURES	CENSURE MOTION	NO CONFIDENCE MOTION
Purpose	To express disapproval of the government's actions or policies.	To express a lack of confidence in the government and to force it to resign.
Who can move it?	Any member of the legislature.	Only the opposition can move a no confidence motion
Number of supporters required	No minimum number of supporters is required.	At least 50 members of the legislature must support the motion.
Outcome	If passed, the government is not forced to resign.	If passed, the government must resign.

1. **QUESTION HOUR:** In the Question Hour, Members of Parliament have the opportunity to ask ministers about the government's execution of laws and policies, and the ministers provide responses to these queries.
2. **ZERO HOUR:** Zero Hour is a parliamentary procedure in India that allows Members of Parliament (MPs) to raise matters of urgent public importance. It is a time when MPs can raise issues that are not on the agenda of the House.
3. **CENSURE MOTION:** In parliamentary procedure, it is a motion that expresses a strong opinion of disapproval that could be debated by the assembly and adopted by a majority vote.
4. **NO CONFIDENCE MOTION:** A no-confidence motion is a parliamentary procedure whereby a vote is taken to express a lack of confidence in the government, typically resulting in the

government's resignation. In India, the no-confidence motion is governed by **Rule 198 of the Lok Sabha Rules of Procedure**.

5. **Budgetary control** for appropriation of grants and post-budgetary control through committees like Public Accounts Committees.

IMPORTANCE OF PARLIAMENTARY ACCOUNTABILITY

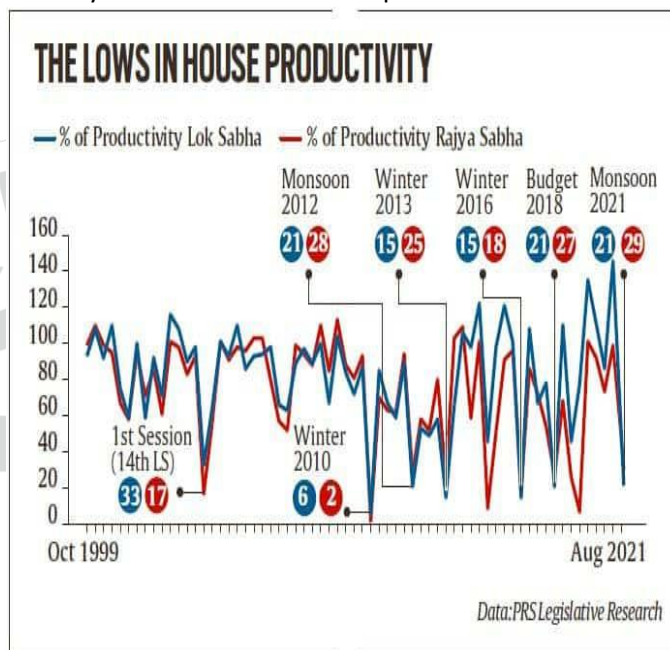
Democratic Oversight: Parliamentary accountability ensures that elected representatives remain answerable to the public they represent, allowing citizens to have a say in the decision-making process.

Transparency and Openness: It promotes transparency in governance, making sure that government actions and decisions are accessible to the public.

Checks and Balances: Parliamentary accountability acts as a check on the government's power, preventing potential abuses and ensuring a balance of power among different branches of government.

Effective Governance: Holding ministers and officials accountable fosters efficient and responsible governance, as they are incentivized to deliver on their promises and commitments.

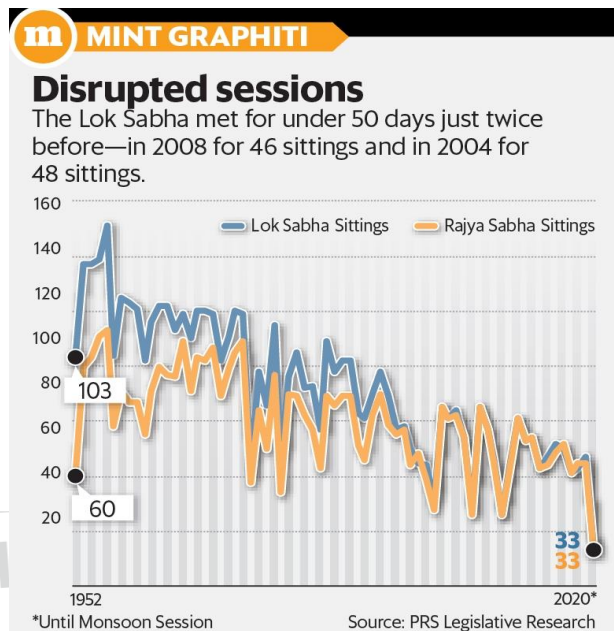
Public Trust: A robust system of parliamentary accountability builds public trust in the government and democratic institutions.



HOW TO ENSURE PARLIAMENTARY ACCOUNTABILITY

- **Strengthening Question Hour:** Committees have suggested enhancing the effectiveness of Question Hour by providing more time for questions, ensuring adequate ministerial presence, and improving the quality of answers.
- **Parliamentary Oversight Committees:** Creation of specialized committees to scrutinize specific government departments or policies, allowing for in-depth examination and accountability.
- **Whistleblower Protection:** Implementing measures to protect whistleblowers who expose corruption or malpractice within the government, encouraging transparency and accountability.

- **Public Consultations:** Recommending the inclusion of public consultations during the policy-making process, ensuring that citizens' views are considered and incorporated.
- **Performance Audits:** Committees propose regular performance audits of government agencies to assess their efficiency, effectiveness, and adherence to policies.



SC JUDGEMENTS

Raj Narain v. State of Uttar Pradesh: the Court held that there can be no secrets in a government whose representatives are held accountable for their conduct.

S.P. Gupta Case : The Court explained the positive trend of liberal democracies towards open government and stated that India should not be an exception to this new democratic culture.

Dinesh Trivedi v. Union of India : it was held that to ensure public participation in the democratic process, important decisions of the government and their basis should be communicated.

FACTSHEET

- While Lok Sabha met for an average of 130 days in a year during the 1950s, these sittings came down to 70 days in the 2000s.
- In its 14th report, the Law Commission had highlighted the disturbing extent to which administrative action in India can go unchecked as authorities use their discretionary powers without public accountability.